

No. 18-_____

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2018

MARION WILSON, JR.,

Petitioner,

-v-

BENJAMIN FORD, Warden,

Respondent.

**CAPITAL CASE: EXECUTION SCHEDULED
JUNE 20, 2019 @ 7:00PM**

MOTION FOR STAY OF EXECUTION

Comes now, Petitioner, MARION WILSON, JR., by and through undersigned counsel, and prays that an Order be entered staying the execution of his sentence of death until further Order of this Court, and in support of his application, respectfully states as follows:

1. Petitioner filed the instant action on June 20, 2019, requesting that this Court grant review of the Georgia Supreme Court's denial of relief as to his claims of prosecutorial misconduct and death ineligibility.

2. Georgia has now scheduled Petitioner's execution for June 20, 2019, at 7:00PM. Petitioner requests that the execution be stayed by this Court until the Petition for Writ of Certiorari is considered and finally acted upon.

3. The Superior Court of Baldwin County, State of Georgia, set from June 20 through June 27, 2019, as the period during which Petitioner's execution may be carried out. *See* Exhibit

A (execution warrant), attached. The execution is currently scheduled for June 20, 2019 at 7:00PM. The Georgia Board of Pardons and Paroles denied clemency on June 20, 2019.

4. Petitioner is detained at the Georgia Diagnostic Prison, in Jackson, Georgia, under a sentence of death. A stay of execution will not prejudice the State of Georgia or interfere with Petitioner's custodial status.

5. A stay of execution is necessary to ensure that Petitioner is not executed before this Court is able to resolve the matters contained in the Petition for Writ of Certiorari. The execution of Petitioner would obviously inflict irreparable harm.

WHEREFORE, Petitioner respectfully requests an Order staying Petitioner's execution, pending resolution of the proceedings and further Order of this Court.

This 20th day of June, 2019.

/s/Marcia A. Widder

Marcia A. Widder (Ga. 643407)
GEORGIA RESOURCE CENTER
303 Elizabeth Street, NE
Atlanta, Georgia 30307
(404) 222-9202

Brian S. Kammer (Ga. 406322)
241 E Lake Drive
Decatur, Georgia 30030
(678) 235-4964

COUNSEL FOR MR. WILSON

Exhibit A

**IN THE SUPERIOR COURT OF BALDWIN COUNTY
STATE OF GEORGIA**

THE STATE OF GEORGIA,

v.

MARION WILSON, JR.,

Defendant.

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**CRIMINAL ACTION NO.
39249B**

ORDER

The Court having sentenced Defendant, Marion Wilson, Jr., on the 7th day of November, 1997, to be executed by the Department of Corrections at such penal institution as may be designated by said Department, in accordance with the laws of the State of Georgia, and;

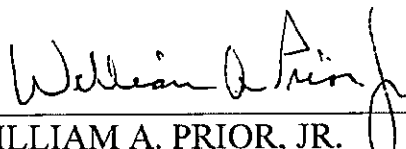
The date for the execution of said Marion Wilson, Jr., having passed by reason of supersedeas incident to appellate review;

IT IS CONSIDERED, ORDERED, AND ADJUDGED by this Court, pursuant to O.C.G.A. § 17-10-40, that within a time period commencing at noon on the 20th day of June, 2019 and ending seven days later at noon on the 27th day of June, 2019, the Defendant, Marion Wilson, Jr., shall be executed by the Department of Corrections at such penal institution and on such a date and time within the aforementioned time period as may be designated by said Department in accordance with the laws of the State of Georgia.

5th FILED IN OFFICE THIS
DAY OF June, 20 19
[Signature]
DEPUTY CLERK SUPERIOR COURT
BALDWIN COUNTY, GEORGIA
Chf

It is FURTHER ORDERED that the Clerk of the Superior Court of Baldwin County, Georgia shall record this order on the minutes of the court and shall cause a certified copy of this Order for execution of the original sentence to be served immediately to the Attorney General of Georgia, the Ocmulgee Judicial Circuit District Attorney, the Commissioner of the Georgia Department of Corrections, the Warden of the Georgia Diagnostic and Classification Prison, and Defendant's last known attorney of record.

This 5th day of June, 2019.



WILLIAM A. PRIOR, JR.
CHIEF JUDGE, SUPERIOR COURT
OCMULGEE JUDICIAL CIRCUIT

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JUNE 20, 2019 @ 7:00PM**

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing document this day by U.S. Mail and/or electronic mail on counsel for Respondent at the following address:

Beth Burton, Esq.
Deputy Attorney General
bburton@law.ga.gov
132 State Judicial Building
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300

This 20th day of June, 2019.

/s/Marcia A. Widder

Attorney